

Privacy Policy

8 March 2022

Your rights to privacy

As trustee of TWUSUPER (or the **Fund**), we understand the importance of protecting your right to privacy and have prepared this statement to help you understand how we aim to protect the privacy of your personal information.

In this document we outline what details we keep about you and why we need these details. Although we refer to TWUSUPER throughout the document, generally it is Mercer Outsourcing (Australia) Pty Ltd (**'Mercer'**) that collects and uses your details on our behalf. Mercer is the company that administers TWUSUPER (with which you have a superannuation account) on our behalf.

The Privacy Act 1988 (the **Act**) regulates the way government agencies and private organisations, like TWUSUPER, handle personal information, including sensitive information such as health details. The Act contains 13 Australian Privacy Principles that regulate, among other things, how government and private organisations collect, store and protect the quality of personal information and how these organisations should use and share personal information.

The Australian Privacy Principles apply to all our procedures and policies and the way our members' accounts are administered. Mercer as the Fund administrator is also required to act in accordance with the Australian Privacy Principles. A copy of Mercer's own Privacy Policy can be found [here](#).

A summary of the TWUSUPER policy on collecting, using and sharing personal information, and keeping that information accurate, up to date and secure, appears under the Australian Privacy Principles at the end of this communication.

What personal information will TWUSUPER keep about me?

TWUSUPER collects personal information from TWUSUPER members to administer their accounts and to offer and provide products, benefits and options. The type of personal information we collect about you includes, but is not limited to, your name, address, date of birth, telephone number(s), email address, tax file number, occupation, financial information, health information and /or any additional information you provide to TWUSUPER directly or indirectly through a website or via a TWUSUPER representative.

TWUSUPER collects personal information when members and employers use the TWUSUPER website to enquire, make an appointment or lodge their forms, such as Member Join, Subscribe and Online Rollover forms, or if members and employers send TWUSUPER documents containing personal information. There may be circumstances when your employer sends personal details about you to TWUSUPER for superannuation purposes or TWUSUPER collects additional personal information to assess a member's eligibility for insurance cover or to consider a benefit claim.

Why does TWUSUPER need my personal information?

The personal information TWUSUPER collects about you is used to:

- Process your applications and requests.
- Administer your superannuation account, including processing contributions.
- Provide you with benefits and options.
- Correspond and communicate with you in relation to your superannuation account, benefits and options.
- Conduct research about how to improve TWUSUPER's services and products.

If you choose not to provide your personal information, or provide us with incomplete or inaccurate personal information, it may mean that we are unable to provide certain benefits or options to you.

Unless required or authorised by law, if we need to use your personal information for another reason, or 'secondary purpose', we will ask your permission to do so. If we send you marketing material using your personal information (other than sensitive information), we will give you the opportunity to opt out of any future direct marketing campaigns at the time of contacting you. We will always seek your consent before using or disclosing any sensitive information for marketing purposes.

Online privacy

Risks of using the internet

You should note there are security risks in transmitting personal information via the internet. You should assess these potential risks when deciding whether to use our online services. If you do not wish to transmit information via the TWUSUPER website, there are other ways in which you can provide this information such as by mail, telephone or on-site visit. When you use our online services any personal information you provide is protected with end-to-end encryption.

Cookies

To improve your experience on the TWUSUPER website, we may use 'cookies' – small, encrypted, text files placed on your device, usually within your browser. We use cookies to gather information about how you use the TWUSUPER website.

Most web browsers are set by default to accept cookies. The Help feature on most browsers will tell you how to:

- delete cookies currently stored on your device,
- prevent your browser from accepting new cookies, and
- have the browser notify you when you receive new cookies.

Note, disabling the use of cookies may mean you are unable to use the full functionality of the TWUSUPER website.

Google Analytics collects data for advertising purposes, including the collection of data via advertising cookies and identifiers.

Google Analytics

The TWUSUPER website uses Google Analytics Demographics and Interest Reporting (Google Analytics) to help us understand website traffic and webpage usage. Google Analytics does not identify individual users or associate your IP address with any other data held by Google.

We will not identify users or facilitate the merging of personally identifiable information with non-personally identifiable information collected through any Google advertising product or feature unless we have robust prior notice of, and your consent on an opt in basis to, that identification or merger. Irrespective of your consent, we will not attempt to disaggregate data that Google reports in aggregate.

You consent to, the storing and accessing of cookies or other information on your device where such activity occurs in connection with the service.

We adhere to the Google Analytics Advertising Features Policy (external website link - <https://support.google.com/analytics/answer/2700409?hl=en>).

By using the TWUSUPER website, you consent to the processing of data about you by Google in the manner described in Google's 'How Google uses data when you use our partners' sites or apps' webpage (external site link - <https://www.google.com/policies/privacy/partners/>). You can opt-out of Google Analytics if you disable or refuse the cookie, disable JavaScript, or use the opt-out service provided by Google (external site - <https://tools.google.com/dlpage/gaoptout>).

Programmatic Display Advertising such as the 'Double Click advertising cookie' may use cookies to collect data from certain websites. While no personal details are used or collected, browsing patterns may be used to target advertising by Google.

Remarketing

We may use remarketing services such as Google AdWords Remarketing, Facebook and YouTube Remarketing to advertise our products and services across the internet. In case of Google AdWords Remarketing, it will display relevant advertising to you based on what pages of the TWUSUPER website you have viewed, by placing a cookie on your device. This cookie does not in any way identify you or give access to your computer.

If you do not wish to participate in our Google Adwords Remarketing, you can opt out by visiting (external site - <https://support.google.com/ads/answer/2662922?hl=en-AU>).

Location services

When you access the TWUSUPER website, we may receive information about your location and your mobile device, including a unique identifier for your device. We may use this information to provide you with location-based services such as advertising, search results and other personalised content. Most mobile devices allow you to turn off location services

with these controls likely located in the device's settings menu. If you have questions about how to disable your device's location services, you should contact your mobile service carrier or device manufacturer.

Third party links

The TWUSUPER website may contain links to other websites. Please note we are not responsible for the privacy practices of such other sites. When you go to other websites from here, we advise you to read their privacy policy.

Email communications

To help us make emails more interesting, we often receive a confirmation when you open an email from TWUSUPER (where your device supports this capability).

Disclosure

There are other organisations that are connected to the services we provide to you and which may have access to your personal information. They are:

- Mailing companies – organisations contracted to do mailing for TWUSUPER
- Archiving companies – organisations contracted to ensure TWUSUPER is complying with legislation and contractual obligations in respect of record-keeping
- Insurance companies – organisations which provide insurance cover for TWUSUPER members
- Medical practitioners and other service providers that assist TWUSUPER with the assessment of disablement claims
- The external administrator (Mercer) – which provides benefits administration and other member-related services to the Fund – and its contractors and consultants
- Data analysis firms or research organisations engaged to analyse the Fund's membership data in order to allow TWUSUPER to improve or better target its services to members
- Information technology service providers and consultants, including website developers
- The Fund's professional advisers (including legal and accounting firms, actuaries, auditors, consultants and other advisers)
- The Australian Taxation Office and other Government authorities, including the Australian Transaction Reports and Analysis Centre (AUSTRAC).

TWUSUPER may also arrange for a service provider to cross-match your personal details with other superannuation funds to help locate any other superannuation accounts in your name. With your consent, TWUSUPER may use your tax file number (**TFN**) to consolidate any superannuation accounts you have with us or other super funds. With your consent, we may also disclose your TFN to the ATO or another super fund in order for us to receive results from searches of the ATO's superannuation records, to receive payment for any amount identified through the search process and transfer such payments to your TWUSUPER account, or to otherwise assist in consolidating your super accounts.

We may also engage third parties to help TWUSUPER facilitate focus groups or conduct research surveys with the aim of providing better benefits and options to our members. If you do not wish to participate in such activities or opt out of receiving similar

communications, you can opt out of such activities and communications at any time by calling or writing to us.

Cross-Border Disclosure

TWUSUPER is unlikely to directly disclose your personal information to any overseas organisations.

However Mercer, the Fund administrator, outsources some of its activities and may disclose personal information to its related body corporates, third party suppliers and service providers located overseas for some of the purposes listed above. A copy of Mercer's own Privacy Policy can be found [here](#).

Disclosure Protection

Where appropriate, TWUSUPER will enter into confidentiality agreements with, or require confidentiality undertakings from, other organisations and persons who may have access to your personal information.

Disclosure to Relevant Authorities

If TWUSUPER suspects unlawful activities, it may use or disclose members' personal information in its investigations as necessary or to report its concerns to relevant authorities. TWUSUPER may also use or disclose personal information if otherwise required or authorised by law. TWUSUPER may provide or disclose this information to the relevant authorities without notifying you for purposes of complying with the law.

If TWUSUPER reasonably believes that it needs to provide information to a law enforcement body (e.g. to a police service) for any of the following reasons:

- (a) to prevent, detect, investigate, prosecute or punish a criminal offence or breach of a law imposing a penalty or sanction
- (b) to conduct surveillance activities, intelligence gathering activities or monitoring activities
- (c) to conduct protective or custodial activities
- (d) to enforce laws relating to the confiscation of proceeds of a crime
- (e) to protect the public revenue
- (f) to prevent, detect, investigate or remedy serious misconduct
- (g) to prepare or conduct court or tribunal proceedings or to implement court or tribunal orders,

then the TWUSUPER will make a file note on the member's record that such information has been provided to the law enforcement body, unless it is required as a matter of law not to do so.

Further information regarding TWUSUPER's collection, use and storage of your personal information is provided in the Summary at the end of this document.

Sensitive Information

Sensitive information includes information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional trade or association, membership of a

trade union, sexual orientation or practices, criminal record, health information, genetic information or biometric information.

Where we collect sensitive information such as health information, we will only use it for administering your TWUSUPER account. Unless required or authorised by law, we won't use it for any other purpose or share it with anyone else without your permission

Can I see the personal information TWUSUPER has about me?

You are generally able to gain access to the personal information we hold about you by asking us. If you would like to request access to the personal information we hold about you, or wish to see this information to ensure it is correct, please contact TWUSUPER (see details below) and we will respond to your request within a reasonable period of time. Under the Australian Privacy Principles there are limited circumstances in which some or all access to this information may be denied.

Access may be denied on any of the grounds set out below:

- (a) TWUSUPER reasonably believes that giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety
- (b) giving access would have an unreasonable impact on the privacy of other individuals
- (c) the request for access is frivolous or vexatious
- (d) the information relates to existing or anticipated legal proceedings between TWUSUPER and the individual, and would not be accessible by the process of discovery in those proceedings
- (e) giving access would reveal the intentions of TWUSUPER in relation to negotiations with the individual in such a way as to prejudice those negotiations
- (f) giving access would be unlawful
- (g) denying access is required or authorised by or under an Australian law or a court/tribunal order
- (h) both of the following apply:
 - (i) TWUSUPER has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to TWUSUPER's functions or activities has been, is being or may be engaged in
 - (ii) giving access would be likely to prejudice the taking of appropriate action in relation to the matter
- (i) giving access would be likely to prejudice one or more enforcement related activities, conducted by, or on behalf of, an enforcement body
- (j) giving access would reveal evaluative information generated within TWUSUPER in connection with a commercial sensitive decision-making process.

If access is refused on any of the above grounds, TWUSUPER will provide you with a written notice setting out the reasons for the refusal of access (unless it is unreasonable to do so) and how you may complain about the refusal. Where reasonable TWUSUPER will consider the use of an intermediary to provide access. File notations will be made on your record of denials of access and where applicable, any intermediaries considered.

Access Fees and Correction

TWUSUPER reserves the right to charge for providing access to members to their personal information. Any charge for information will not be excessive and will not apply to the making of a request for access with TWUSUPER.

If TWUSUPER establishes that the personal information TWUSUPER holds about you is inaccurate, incomplete, out-of-date, irrelevant or misleading or you request for any personal information TWUSUPER holds about you to be corrected, TWUSUPER will take reasonable steps to correct the information. If the information was previously disclosed by TWUSUPER to another organisation and you request TWUSUPER to notify the other organisation of such correction, TWUSUPER will take reasonable steps to notify the other organisation unless it is impracticable or unlawful to do so.

If you request your personal information be corrected and TWUSUPER decides not to correct that information, TWUSUPER will provide you with a written notice setting out the reasons for its decision (unless it would be unreasonable to do so) and how you may complain about its decision. TWUSUPER will, if you request, take reasonable steps to associate with such information a statement that the information is inaccurate, out-of-date, incomplete, irrelevant or misleading.

What happens if there is a Privacy Breach?

If there is unauthorised access or disclosure or loss of information and such is likely to result in serious harm to you then we will take appropriate remedial action and will report that breach to the Office of the Australian Information Commissioner and to you.

How to contact us

You are generally able to gain access to the personal information we hold about you by asking us. If you would like to request access to the personal information we hold about you, want further information on how TWUSUPER handles personal information (including how long it holds it), or if you want to complain about a possible breach of privacy, please contact TWUSUPER in one of the following ways:

- By phone on 1800 222 071, or
- Write to

TWUSUPER
GPO Box 779
Melbourne VIC 3001

If you have a written complaint, please write to our Complaints Officer with 'Notice of Complaint' clearly stated in your correspondence and send it to the above address.

By law, we are required to have in place arrangements to properly consider and deal with any complaints within 45 days. If you are unsatisfied with the resolution of any complaints you make about a possible breach of privacy, you can refer the matter to the Australian Information Commissioner by calling 1300 363 992.

TWU Nominees Pty Ltd, ABN 67 002 835 412, AFSL No 239163, as trustee for TWU Superannuation Fund, ABN 77 343 563 307 (reference to "TWUSUPER" includes reference to its directors where the context requires).

Summary of TWUSUPER's collection, use and storage of personal information

TWUSUPER bound by Australian Privacy Principles

We will endeavour to abide by the Australian Privacy Principles at all times.

Collecting information

We will collect personal information directly from you unless it is unreasonable or impracticable to do so. In such circumstances, we may collect your personal information directly from your employer or where necessary for the administration of your account or provision of benefits and services to you, from other third parties.

Using and sharing information

TWUSUPER will use your personal information to open and run a TWUSUPER account for you and provide you with TWUSUPER benefits and services. These are known as 'primary purposes'. Unless required or authorised by law, we will only provide your personal information to authorised service providers such as the administrator that administers your account or the insurance company that provides you with insurance cover as a Fund member. Sometimes, such as if you make an insurance claim, there are other organisations we may disclose your personal information to, such as medical and insurance assessors.

Unless required or authorised by law, if we need to use your personal information for another reason, or 'secondary purpose', we will ask your permission to do so. If we send you marketing material using your personal information (other than sensitive information), we will give you the opportunity to opt out of any future direct marketing campaigns at the time of contacting you. We will always seek your consent before using or disclosing any sensitive information for marketing purposes.

TWUSUPER may expressly authorise a superannuation services officer (**SSO**) employed by the Transport Workers Union (**TWU** or '**the union**') to have access to non-sensitive information about a member held by the Fund without first obtaining the member's consent, provided that access to the information is only given to the SSO in their capacity as an SSO for at least one of the following purposes:

- To respond to queries made by the member;
- To obtain information in order to assist the member at site visits; or
- To obtain contact details or contribution details of an employer in order to assist the member.

TWUSUPER will not authorise an SSO to have access to sensitive information about a member unless the member has first given written or email consent in the form approved by TWUSUPER for this purpose and TWUSUPER has received a copy of such consent. The Member & Employer Services Team and Superannuation Officers have the appropriate consent forms.

Keeping information accurate, up to date and complete

TWUSUPER will endeavour to ensure that the personal information we collect to run your TWUSUPER account is accurate, up to date and complete. We will do this by ensuring that

you have the opportunity to advise changes in personal details at all times and particularly when you receive your annual TWUSUPER membership statement.

Keeping information secure

Unless required or authorised by law, we will only provide your personal information to authorised service providers such as the Fund administrator that administers your account or the insurance company that provides you with insurance cover as a Fund member. To make sure of this, we will regularly audit access to the systems that support TWUSUPER and make sure that other organisations we deal with for your account (for example insurance companies) have privacy policies which are consistent with the Australian Privacy Principles.

We will keep your information for as long as legally required. This will usually be for the period of your membership plus any further period we are legally required to retain your information or we believe we still need the information for any purpose for which it may be used. Once this period has ceased, we will remove any identification details or destroy the record entirely.

Sensitive Information

Sensitive information includes information or an opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional trade or association, membership of a trade union, sexual orientation or practices, criminal record, health information, genetic information or biometric information.

Where we collect sensitive information such as health information, we will only use it for administering your TWUSUPER account. Unless required or authorised by law, we won't use it for any other purpose or share it with anyone else without your permission.